

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Lowell et al. **Confirmation No.:** 7663
Serial No.: 10/676,557 **Examiner:** Qing Chen
Filed: October 1, 2003 **Group Art Unit:** 2191
Title: Interposing A Virtual Machine Monitor And Devirtualization Computer Hardware

**MAIL STOP PETITION
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450**

SIR OR MADAM:

DECLARATION OF MICHAEL J. KRAFT IN SUPPORT OF A PETITION TO WITHDRAW THE
HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE AN OFFICE ACTION

I, Michael J. Kraft, having an address of 3404 East Harmony Rd., Fort Collins, CO 80528 hereby declare as follows:

1. I am currently a Patent Paralegal for the Hewlett-Packard Corporate Legal Department. I have held this position since November 8, 1999.
2. My responsibilities include maintaining a corporate mail log of formal papers received from the Patent and Trademark Office addressed to the Hewlett-Packard Company, Intellectual Property Administration office.
3. The procedure for handling formal papers received from the Patent and Trademark Office is as follows:
 - a. Mail received from the Patent and Trademark Office is opened and each individual document is scanned into a Portable Document Format (PDF) file.
 - b. A stamp is added to each PDF file showing the date received.
 - c. The documents are entered into the Hewlett-Packard Legal Department's mail log to identify each of the documents with the following criteria:
 - i. Internal docket number
 - ii. Application serial number
 - iii. The date of receipt by Hewlett-Packard Company, Intellectual Property Administration
 - iv. Mailing date from the U.S. Patent and Trademark Office
 - v. Type of document
 - vi. Action Due

- d. A mail log report is generated; the documents are double-checked against the mail log report and then uploaded into the Hewlett-Packard Legal Department's image database. The original paper is filed and stored for a period of two months.
4. Appendix A shows the Hewlett-Packard Legal Department mail log listing the documents with a mailing date of April 17, 2007. If a Non-Final Rejection was received from the Patent and Trademark Office for patent application number 10/676,557, this document would have been logged in the mail log as an Office/Examiner's Action with an action due of OA 3 MO reflecting a mailing date of April 17, 2007. This document is not listed in Appendix A.
 5. Appendix B shows the Hewlett-Packard Legal Department's image file wrapper for patent application number 10/676,557. I have reviewed the files listed in the image file wrapper and the Non Final Rejection mailed on April 17, 2007 is not included.
 6. It is my belief that the Non Final Rejection mailed on April 17, 2007, for patent application serial number 10/676,537, was not received by Hewlett-Packard Company, Intellectual Property Administration.
 7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed this 21st day of February, 2008



Michael J. Kraft
Patent Paralegal
Hewlett-Packard Legal Department
Intellectual Property Administration

Mail Log Affidavit (Appendix A)

2/21/2008

Mailing Date	Application Number	Howlett-Packard Document Number	Type of Document	Action Due	Date of Receipt
4/17/2007		200405654-4	E-Mail & Correspondence - Foreign Agent		4/18/2007
4/17/2007		200507440-3	E-Mail & Correspondence - Foreign Agent		4/18/2007
4/17/2007		20040641-3	E-Mail & Correspondence - Foreign Agent		4/19/2007
4/17/2007		200312543-4	Notice (Other)		4/23/2007
4/17/2007		200402928-4	E-Mail & Correspondence - Foreign Agent		4/24/2007
4/17/2007		200406751-3	E-Mail & Correspondence - Foreign Agent		4/24/2007
4/17/2007		200404711-6	E-Mail & Correspondence - Foreign Agent		4/24/2007
4/17/2007		200403308-4	E-Mail & Correspondence - Foreign Agent		4/24/2007
4/17/2007		200500359-3	E-Mail & Correspondence - Foreign Agent		4/24/2007
4/17/2007		200406755-3	Notice (Other)		4/25/2007
4/17/2007		200505051-2	E-Mail & Correspondence - Foreign Agent		4/25/2007
4/17/2007		200603872-1	Filing Receipt		5/21/2007
4/17/2007		10992709-4	Transmittal Package - Application		4/18/2007
4/17/2007		10992709-4	E-Mail & Correspondence - Foreign Agent		4/18/2007
4/17/2007		10992709-4	Transmittal Package - Translation		4/18/2007
4/17/2007		10010877-4	Notice (Other)		4/18/2007
4/17/2007		10014549-6	E-Mail & Correspondence - Foreign Agent		4/25/2007
4/17/2007		10003489-4	E-Mail & Correspondence - Foreign Agent		4/18/2007
4/17/2007		10007220-3	Transmittal Package - Response/Amend		5/14/2007
4/17/2007		10007525-3	E-Mail & Correspondence - Foreign Agent		4/18/2007
4/17/2007		60015788-4	E-Mail & Correspondence - Foreign Agent		4/24/2007
4/17/2007		100202074-4	E-Mail & Correspondence - Foreign Agent		4/25/2007
4/17/2007		100110454-4	Notice of Issuance/Grant		4/19/2007
4/17/2007		10017296-2	E-Mail & Correspondence - Foreign Agent		4/17/2007
4/17/2007		100201625-8	E-Mail & Correspondence - Foreign Agent		4/17/2007
4/17/2007		10017336-6	E-Mail & Correspondence - Foreign Agent		5/18/2007
4/17/2007		200300192-2	E-Mail & Correspondence - Foreign Agent		4/18/2007
4/17/2007		200310372-3	E-Mail & Correspondence - Foreign Agent		4/18/2007
4/17/2007		100202667-2	E-Mail & Correspondence - Foreign Agent		4/18/2007
4/17/2007		200312283-2	E-Mail & Correspondence - Foreign Agent		4/18/2007
4/17/2007		200209318-3	E-Mail & Correspondence - Foreign Agent		4/18/2007
4/17/2007		200209420-4	E-Mail & Correspondence - Foreign Agent		4/17/2007
4/17/2007		200209322-5	Transmittal Package - Response/Amend		4/20/2007

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Mailing Date	Application Number	Headed/Packaged Document Number	Type of Document	Action Due	Date of Receipt
4/17/2007	04783944.4	20020791-5	Notice (Other)	REQUIRED DOCUMENTS	5/17/2007
4/17/2007	04785555.6	200313240-3	E-Mail & Correspondence - Foreign Agent		4/18/2007
4/17/2007	04785896.2	200207667-6	Transmittal Package - Response/Amend		4/23/2007
4/17/2007	0501204.2	200314086-2	E-Mail & Correspondence - Foreign Agent		4/18/2007
4/17/2007	05075127.0	10015465-3	Transmittal Package - Response/Amend		4/24/2007
4/17/2007	05076409.1	10010463-6	E-Mail & Correspondence - Foreign Agent	COMMENTS/INSTRU	4/23/2007
4/17/2007	0508168.2	200501610-1	Notice (Other)		4/24/2007
4/17/2007	0514831.7	200315555-2	Notice (Other)		4/25/2007
4/17/2007	05250280.4	200312853-2	E-Mail & Correspondence - Foreign Agent		4/19/2007
4/17/2007	05250710.0	200300677-2	E-Mail & Correspondence - Foreign Agent		4/17/2007
4/17/2007	05815947.6	200403636-3	Notice (Other)	AMEND APPLICATION	4/20/2007
4/17/2007	06020010.2	200403193-2	E-Mail & Correspondence - Foreign Agent		4/17/2007
4/17/2007	06020587.8	200314977-2	E-Mail & Correspondence - Foreign Agent		4/17/2007
4/17/2007	06020724.8	200500964-2	E-Mail & Correspondence - Foreign Agent		4/23/2007
4/17/2007	0608289.5	200312535-3	E-Mail & Correspondence - Foreign Agent		4/18/2007
4/17/2007	0609614.3	100204750-3	E-Mail & Correspondence - Foreign Agent		4/18/2007
4/17/2007	07666196	200308516-1	Notice (Other)		4/24/2007
4/17/2007	07102748.4	200400797-9	E-Mail & Correspondence - Foreign Agent		4/19/2007
4/17/2007	09639960	200301718-1	Post-Grant Checklist		4/26/2007
4/17/2007	09666910	10002185-1	Post-Grant Checklist		4/26/2007
4/17/2007	09797536	10007858-1	PTO Decision Letter		4/24/2007
4/17/2007	09839664	10005190-1	Notice (Other)		4/24/2007
4/17/2007	09873195	10005666-1	Post-Grant Checklist		4/26/2007
4/17/2007	09954352	10011264-1	Notice (Other)		4/26/2007
4/17/2007	09982247	10004224-1	Post-Grant Checklist		4/26/2007
4/17/2007	1-2006-501768	200208780-16	Notice (Other)	REQUIRED DOCUMENTS	5/7/2007
4/17/2007	10-2001-0005793	200304372-4	E-Mail & Correspondence - Foreign Agent		4/17/2007
4/17/2007	10004089	1007888-1	Office/Examiner's Action	OA FINAL	4/24/2007
4/17/2007	10015911	10018225-1	Office/Examiner's Action	OA FINAL	4/23/2007
4/17/2007	10038674	200304366-1	Notice of Abandonment		4/24/2007
4/17/2007	10052305	30950042-14	Post-Grant Checklist		4/26/2007
4/17/2007	10058228	30012963-3	Notice of Abandonment		4/24/2007
4/17/2007	10072840	200302014-1	Office/Examiner's Action	OA FINAL	4/23/2007

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Mailing Date	Application Number	Previous/Packard Document Number	Type of Document	Action Due	Date of Receipt
4/17/2007	10/063872	10016663-1	Office/Examiner's Action	OA 3 MO	4/24/2007
4/17/2007	10/102990	100202171-1	Post-Grant Checklist		4/26/2007
4/17/2007	10/136701	100200616-1	Notice (Other)		4/24/2007
4/17/2007	10/175135	50006854-2	Office/Examiner's Action	OA 3 MO	4/23/2007
4/17/2007	10/195078	200206471-1	Office/Examiner's Action	OA FINAL	4/23/2007
4/17/2007	10/200010	30007113-2	Office/Examiner's Action	OA FINAL	4/23/2007
4/17/2007	10/210230	200304296-1	Notice of Abandonment		4/24/2007
4/17/2007	10/210912	100203644-1	Notice of Allowance and Fee(s) Due	ISSUE FEE 3 MO	4/24/2007
4/17/2007	10/224917	10015772-1	Notice (Other)		4/24/2007
4/17/2007	10/280804	10018799-1	Notice of Abandonment		4/24/2007
4/17/2007	10/285927	10017345-1	PTO Decision Letter		4/24/2007
4/17/2007	10/353632	200308777-1	Post-Grant Checklist		4/26/2007
4/17/2007	10/376911	200309933-1	Office/Examiner's Action	OA 3 MO	4/23/2007
4/17/2007	10/427525	200207630-1	Post-Grant Checklist		4/26/2007
4/17/2007	10/431920	200206042-1	Post-Grant Checklist		4/26/2007
4/17/2007	10/438659	200308728-1	Interview Summary		4/25/2007
4/17/2007	10/453103	200206676-2	Notice (Other)		4/26/2007
4/17/2007	10/460481	10012396-1	Restriction Requirement	RESTRICTION	4/23/2007
4/17/2007	10/533291	200316610-2	Restriction Requirement	RESTRICTION	4/24/2007
4/17/2007	10/618979	10971836-4	Restriction Requirement	RESTRICTION	4/24/2007
4/17/2007	10/621795	200309102-1	Office/Examiner's Action	OA 3 MO	4/23/2007
4/17/2007	10/626993	10981437-3	Office/Examiner's Action	OA 3 MO	4/23/2007
4/17/2007	10/636780	200310014-1	Office/Examiner's Action	OA 3 MO	4/24/2007
4/17/2007	10/644184	10991204-2	Office/Examiner's Action	OA FINAL	4/23/2007
4/17/2007	10/646079	200206633-1	Post-Grant Checklist		4/26/2007
4/17/2007	10/656881	200310495-1	Post-Grant Checklist		4/26/2007
4/17/2007	10/668141	200300101-1	Office/Examiner's Action	OA 3 MO	4/23/2007
4/17/2007	10/675387	200205232-1	Office/Examiner's Action	OA 3 MO	4/24/2007
4/17/2007	10/683527	200309813-1	Notice of Allowance and Fee(s) Due		4/26/2007
4/17/2007	10/690727	200310431-1	Post-Grant Checklist		4/27/2007
4/17/2007	10/696824	10970996-7	Post-Grant Checklist		4/26/2007
4/17/2007	10/698413	200309960-1	Post-Grant Checklist		4/26/2007
4/17/2007	10/698717	200310817-1	Advisory Action	ADVISORY	4/24/2007

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Mailing Date	Application Number	Hevilet-Packet Document Number	Type of Document	Action Due	Date of Receipt
4/17/2007	10732722	200207091-1	Office/Examiner's Action	OA 3 MO	4/23/2007
4/17/2007	10756038	100205140-1	Office/Examiner's Action	OA 3 MO	4/23/2007
4/17/2007	10757831	200313516-1	Notice of Abandonment		4/24/2007
4/17/2007	10769127	200209576-1	Advisory Action	ADVISORY	4/26/2007
4/17/2007	10769323	200315563-1	Post-Grant Checklist		4/26/2007
4/17/2007	10803715	200311735-1	Notice of Abandonment		4/23/2007
4/17/2007	10808645	200600376-1	Notice (Other)	NON-COMPLIANT AMEN	4/24/2007
4/17/2007	10827528	200400478-2	Notice of Recordation of Assignment		4/27/2007
4/17/2007	10833402	200316351-1	Post-Grant Checklist		4/27/2007
4/17/2007	10864617	200301698-2	Office/Examiner's Action	OA FINAL	4/23/2007
4/17/2007	10870594	200316337-1	Office/Examiner's Action	OA 3 MO	4/23/2007
4/17/2007	10887490	200701952-2	Office/Examiner's Action	OA FINAL	5/24/2007
4/17/2007	10901338	200312952-1	Notice of Allowance and Fee(s) Due	ISSUE FEE 3 MO	4/24/2007
4/17/2007	10903088	200402079-1	Advisory Action	ADVISORY	4/26/2007
4/17/2007	10931148	200403636-1	Post-Grant Checklist		4/26/2007
4/17/2007	10968724	200205242-1	Office/Examiner's Action	OA 3 MO	4/23/2007
4/17/2007	10971257	200311981-1	Office/Examiner's Action	OA 2 MO	4/24/2007
4/17/2007	102004063573.0	200315891-3	E-Mail & Correspondence - Foreign Agent	EXT 2 MO	4/18/2007
4/17/2007	10233638.3	10013070-2	Notice (Other)		4/23/2007
4/17/2007	10329666.2	100202113-2	E-Mail & Correspondence - Foreign Agent		4/19/2007
4/17/2007	10348927.3	200209593-2	E-Mail & Correspondence - Foreign Agent		4/17/2007
4/17/2007	11011426	200405700-1	Office/Examiner's Action	OA FINAL	4/24/2007
4/17/2007	11013868	200403278-1	Post-Grant Checklist		4/26/2007
4/17/2007	11028367	200314526-1	Notice of Allowance and Fee(s) Due	ISSUE FEE 3 MO	4/24/2007
4/17/2007	11042428	200407393-1	Notice of Abandonment		4/23/2007
4/17/2007	11055907	200407445-2	Post-Grant Checklist		4/23/2007
4/17/2007	11072957	200402733-1	Office/Examiner's Action	OA 3 MO	4/23/2007
4/17/2007	11065883	200314257-1	Post-Grant Checklist		4/27/2007
4/17/2007	11111090	200503517-1	Office/Examiner's Action	OA 3 MO	4/23/2007
4/17/2007	11191115	200405835-1	Post-Grant Checklist		4/26/2007
4/17/2007	11192762	200501990-1	Office/Examiner's Action	OA 3 MO	4/24/2007
4/17/2007	11200670	200405640-1	Office/Examiner's Action	OA 3 MO	4/23/2007
4/17/2007	11259284	200403266-1	Office/Examiner's Action	OA 3 MO	4/24/2007

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Mailing Date	Application Number	Headfile-Packard Document Number	Type of Document	Action Due	Date of Receipt
4/17/2007	11/264310	200407093-1	Post-Grant Checklist		4/26/2007
4/17/2007	11/350968	10980798-7	Post-Grant Checklist		4/26/2007
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4/17/2007	11/650377	200601955-1	Notice of Recordation of Assignment		4/26/2007
4/17/2007	11/669889	200602015-1	Notice of Recordation of Assignment		4/26/2007
4/17/2007	11/669889	200602023-1	Corrected Filing Receipt		4/24/2007
4/17/2007	11/697178	200602385-1	Notice of Recordation of Assignment		4/26/2007
4/17/2007	11/700566	200601902-1	Filing Receipt		4/24/2007
4/17/2007	11/700694	200601154-1	Filing Receipt		4/25/2007
4/17/2007	11/700695	200602167-1	Filing Receipt		4/25/2007
4/17/2007	11/701146	200601763-1	Notice of Recordation of Assignment		4/26/2007
4/17/2007	11/701332	200603087-1	Notice of Recordation of Assignment		4/26/2007
4/17/2007	11/708740	300204379-4	Filing Receipt		4/24/2007
4/17/2007	11/708831	200404576-5	Filing Receipt		5/1/2007
4/17/2007	11/710283	200312140-4	Filing Receipt		4/25/2007
4/17/2007	11/726938	200602274-1	Notice of Recordation of Assignment		4/26/2007
4/17/2007	11/728338	200315298-2	Notice of Recordation of Assignment		4/26/2007
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4/17/2007	11/731575	200700173-1	Notice of Recordation of Assignment		4/26/2007
4/17/2007	2000-0000866	10980887-4	E-Mail & Correspondence - Foreign Agent		4/26/2007
4/17/2007	2000-0015716	10990270-3	E-Mail & Correspondence - Foreign Agent		4/26/2007
4/17/2007	2000-0050279	10990592-7	E-Mail & Correspondence - Foreign Agent		4/26/2007
4/17/2007	2002-7005403	10991407-20	E-Mail & Correspondence - Foreign Agent		4/30/2007
4/17/2007	2002-7005403	10991407-20	E-Mail & Correspondence - Foreign Agent		4/30/2007
4/17/2007	2002-7008701	10992320-8	Notice of Issuance/Grant		5/11/2007
4/17/2007	2002-7008701	10992320-8	E-Mail & Correspondence - Translation		5/11/2007
4/17/2007	2002-7008713	10992259-10	Notice of Issuance/Grant		5/11/2007
4/17/2007	2002-7013656	10001074-12	Notice (Other)		5/11/2007
4/17/2007	2003-7014017	10002131-14	Notice (Other)		4/24/2007
4/17/2007	200310120122.6	10002231-2	E-Mail & Correspondence - Foreign Agent		4/26/2007
4/17/2007	200310124719.8	100202932-3	E-Mail & Correspondence - Foreign Agent		4/17/2007
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Mailing Date	Application Number	Hewlett-Packard Document Number	Type of Document	Action Due	Date of Receipt
4/17/2007	200580012166.4	200312860-3	E-Mail & Correspondence - Foreign Agent		4/24/2007
4/17/2007	200607037-9	200209168-16	E-Mail & Correspondence - Foreign Agent	COMMENTS/INSTRU	4/18/2007
4/17/2007	200607040-3	200309559-14	E-Mail & Correspondence - Foreign Agent	COMMENTS/INSTRU	4/18/2007
4/17/2007	200630002564.1	200503026-2	E-Mail & Correspondence - Foreign Agent		4/18/2007
4/17/2007	200710085718.5	200502999-2	Reminder FA/OO		4/18/2007
4/17/2007	200710085718.5	200701875-3	E-Mail & Correspondence - Foreign Agent		6/13/2007
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4/17/2007	200710085718.5	200501947-1	Post-Grant Checklist		4/27/2007
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4/17/2007	200710085718.5	191577-7	E-Mail & Correspondence - Annuity		4/17/2007
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4/17/2007	200710085718.5	10001038-5	E-Mail & Correspondence - Annuity		4/17/2007
4/17/2007	200710085718.5	10012326-3	PTO Correspondence		4/25/2007
4/17/2007	200710085718.5	200311745-3	E-Mail & Correspondence - Annuity		4/17/2007
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4/17/2007	200710085718.5	10971205-2	Reminder FA/OO		4/17/2007
4/17/2007	200710085718.5	3000378-3	Office/Examiner's Action	JP OA 3 MO	4/18/2007
4/17/2007	200710085718.5	30003578-3	E-Mail & Correspondence - Translation		6/13/2007
4/17/2007	200710085718.5	10002693-2	E-Mail & Correspondence - Foreign Agent		4/17/2007
4/17/2007	200710085718.5	10002693-2	Office/Examiner's Action	JP OA 3 MO	4/17/2007
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4/17/2007	200710085718.5	10001493-2	E-Mail & Correspondence - Foreign Agent		4/17/2007
4/17/2007	200710085718.5	10002528-2	Office/Examiner's Action	JP OA 3 MO	4/19/2007
4/17/2007	200710085718.5	10002528-2	E-Mail & Correspondence - Translation		5/30/2007
4/17/2007	200710085718.5	10002528-2	E-Mail & Correspondence - Foreign Agent		4/17/2007
4/17/2007	200710085718.5	10006522-2	Office/Examiner's Action	JP OA 3 MO	4/19/2007
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4/17/2007	200710085718.5	10002592-2	E-Mail & Correspondence - Translation		4/19/2007

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Mailing Date	Application Number	Hewlett-Packard Document Number	Type of Document	Action Due	Date of Receipt
4/17/2007	P2002-152841	10002592-2	E-Mail & Correspondence - Translation		10/12/2007
4/17/2007	P2002-176608	10013375-2	E-Mail & Correspondence - Foreign Agent		4/17/2007
4/17/2007	P2002-178205	10004958-2	E-Mail & Correspondence - Foreign Agent		4/17/2007
4/17/2007	P2002-298312	10003481-2	Notice of Allowance and Fee(s) Due	FEE/ANNUITY	4/24/2007
4/17/2007	P2002-339011	10007748-2	Notice of Allowance and Fee(s) Due	FEE/ANNUITY	4/18/2007
4/17/2007	P2002-558754	10091656-3	E-Mail & Correspondence - Foreign Agent		4/17/2007
4/17/2007	P2002-558754	10091656-3	Office Examiner's Action	JP OA 3 MO	4/17/2007
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Mail Log Affidavit (Appendix A)

2/21/2008

Mailing Date	Application Number	Exhibit/Pack/Document Number	Type of Document	Action Due	Date of Receipt
4/17/2007	P2004-333116	2002069005-3	E-Mail & Correspondence - Translation		6/8/2007
4/17/2007	P2005-002279	200313964-3	Office/Examiner's Action	JP OA 3 MO	4/18/2007
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 PD Date: 2002-Sep-11 Resp Asst: APE File Date: 2003-Oct-1 Grant Date:
 Entity Loc: SCR PA Resp Atty: LED Appl PENDING Local O/C: Dan C. Hu
 #1 Inventor: David Lowell Writer: Hugh P Gortler For Agent:
 Title: Interposing A Virtual Machine Monitor And Devirtualization Computer Hardware

Notes:

Official Mail (Patent Office)

Item User ID	Date Created	Mail Base Last Updated	Comments	Patent No./Int./Auth	Author	Title	Sources	Pages
Notice of Abandonment escbarn	2003-Feb-13	2003-Feb-8						
Notice of Publication jt	2005-May-16	2005-Apr-28						
Filing Receipt felgal	2004-Jan-02	2003-Dec-24						
Assignment Recording Request tjorp	2003-Dec-02	2003-Dec-02						
Notice of Revocation of Assignment tjorp	2003-Dec-03	2003-Dec-2						
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